1871-72
(L.Q)

File No. 16.
Serial No. 3-4

Subj:- Observations about the terms on which tanks and wells may be repaired and on reduction on assessment obtained therefor.

G. R. S. IX-5]

Previous references.

1871–1872
~~191~~ .
(L. R.)

File No. 16

Serial Nos. 3–4

Later references.
LR. 10 – 1887
LR. 8 – 1888
LR. 63 – 1891
LR. 64 – 1896

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3–4

Part B for ~~April~~ 1872.

SUBJECT.

Observations anent the terms on which tanks and wells may be repaired and a reduction of assessment obtained therefor.

W D 88—GPB—50,000—24-7-16

18 72 No. 75.

m,

he Survey and Settlement C missioner,

Mysore

The Secretary to the Chief
Commissioner of Mysore

12th March 1872

tched

No. 14 — Do.

UMES No.

No. 319

ing notification

ng to repairs of

by Ryots &

12-3-72

13.3.72

Dec. 4/71 [illegible]
at page 320 of
Register Report
of 6th June/72,
[illegible]
[illegible]
[illegible]
Circ. of 1863, a[illegible]
to second [illegible]
Enquiry dated 22nd
in the case
applied
to court
under
[illegible]
The pe[illegible]

[illegible]
[illegible]
[illegible]

Section From LR
File No 16 187
Serial No 3

(3)

No. 319 of 1872

From

Colonel W. C. Anderson

Survey and Settlement Commissioner

Mysore

To

The Secretary to the Chief Commissioner

for the Government of the Territories

of His Highness the Maharajah

of Mysore

Survey Commissioner's Office

Bangalore 12th March 1872.

Sir,

There are two documents issued by the Chief Commissioner in 1863 on the subject of the terms on which Tanks and wells may be repaired and a reduction of assessment be obtained.

2nd First there is a Notification dated 31st March 1863. The provisions in this relate to tanks or wells long in desuetude and in addition they should be tanks of such minor importance

Para 2

as

as not to require the professional aid

or opinion of the Executive Engineers [+] [+] Para 3.

Department.

3rd. Farther it would appear that

the personal inspection of the Deputy

Superintendent was considered necessary

it is evident that without such reliable

inspection no guarantee would exist

that the Tank, application to repair

which was made, came under the con-

ditions alluded to in the preceding Para.

4th. Para 5 of the above Notification

offers certain terms to Ryots constructing

new work whether Tanks or wells at

their own expence.

5 Next there is a proclamation

dated the 13th July of the same year

1863. This document offers to the Ryots

and

others conditions as regards favorable rates of assessment similar to those held forth in the Notification of the 31st ult. March above alluded to but is most singularly deficient in laying down the precautionary conditions required, however loosely, by that Notification. The precautionary conditions may be inferred, they certainly are not stated in the Proclamation of the 13th July. For instance a ryot may assert that he has in a certain instance done all that is required in that Proclamation and claim the advantages promised and no doubt in most cases will offer evidence to bear out his claim to any required extent.

6th ult. It appears to me necessary that

that some provision be made for dealing with cases which are beginning to come forward under the above Proclamations most numerously.

7th First I think that in justice to the State no case either of asserted construction or repair of well or tank should be entertained unless written permission having distinct reference to the case in question is adduced. Unless production of written permission is required, numberless claims of repair of old or construction of new works will be put forward, when in reality little or nothing has ~~been~~ done investigation on this point would be either waste of time.

8 Next the written permission having been adduced and examined as to

whole of those indicated in the Procla-

=mation, I think that a lower amount

of reduction of the assessment should

be granted at his discretion.

11th The subject is a most difficult

and unsatisfactory one to deal with

and the only course I can see is to

place the decision of the mode of deal-

=ing with each case primarily with the

Superintendent of Revenue Survey subject

to the conditions detailed in Paras 7-8 & 9

he personally investigating the circum-

=stances of each case.

12th As regards those cases in which

outsiders have been permitted to come

in and take up tanks for repair on

the supposed refusal of the ryots, differ

=ent rules of procedure must be required.

In

In such cases it appears to me that the repairer of the Tank can have no right to make the ryots, holding land below it, his tenants at will. He has no right to any more than the sum foregone, namely the difference between the full assessment and that the State has promised to be content with, viz it (1/4) one fourth, or the difference between highest dry crop rate and the full assessment. For instance if a tank brought in Rs 600 revenue from the wet land according to the Survey assessment, the ryots of course should be required to pay that sum, 1/4 of which should go to the tank repairer, he being an outsider, as the return for the sum expended by him for repairs. To turn the

the ryots out of their occupancies, mak
them subtenants of the repairer, and
at his mercy as regards their rent,
would be a most enormous injustice.
In some cases when no other satisfac=
=tory solution of the difficulty is
available it would be better to effect
a compromise with the alleged repairer
and buy him out altogether.

In every case where a remission
of assessment is allowed on account of
repairs to a tank it appears to me
that the keeping the tank up in that
state of repair is involved as a
condition —

Your obdt. servant,

C. Canan

Survey & Settlement Commissioner
Mysore

Genl No 104 } 1872/73.
Revr No 9

A

M.L. Office (4)

Naundrua 6th April 72

LR
16—18

To the Secy Settt Commr

Sir,

I am directed to acknowledge receipt of your No 319 of the 12th ulto offering certain remarks on the notifications, marginally noted, regarding the terms on which tanks & wells may be repaired, & a reduction of assessment be obtained therefor.

2. The Chief Comr fully concurs with you in the opinions expressed in paras 7 & 8 and 9 viz: that "no case of asserted construction or repair of a tank or well shall be entertained without written authority being produced, having distinct reference to the case in question. (2) that on production of such written authority, the same shall be carried out as to its terms, and an enquiry be then instituted by the Supt of Revenue Survey as to the extent & cost of the repairs, & as to the previous condn of the said tank or well, ~~and to the Supt of Revenue~~ after which he should (3) grant a reduction of assessment not exceeding ¼ (one fourth) or impose the maximum dry crop rate accg to local circumstances.

3 With regard to para 10 where it is proposed to allow the Supt of Survey a discretionary power to grant a

lower amount of reduction ~~Assessment~~
assessment, where he considers the
terms of the proclamation had only
been partially observed, the Offr
~~commg~~ ~~enquiry~~ ~~him~~ ~~into~~ considers that each case of the
kind shd be specially reported,
as the course pursued might
appear to involve a breach of faith
on the part of Govt.

4 With respect to Para 12 Colmeade
observes that unfortunately, the
Repairer of a tank under the
proc:, has been in some instances,
recognised as the Pattadar, and
the Ryts have been made his sub
-tenants, instead of his receiving merely
from them the portion of the rent
remitted by Govt. in favor of the
restorer of the work. In such cases
the Offr is quite of opinion that a
wrong has been done, but doubts
its being now possible to rectify
it. He owned however in such
case of the kind he disposed to
endeavour to effect some compromise
with the restorer in view to any sum
not, if such cd be done without
undue sacrifice.

5 Colmeade also concurs with
you in the opinion that wherever
remission is allowed on account of
repairs to a tank, the upkeep of
it what ~~ever~~ soever is involved
is a condition

6 The results of the enterprise of private individuals in certain cases under the terms of the Circ: of 1863 attracted the attention of the Offs some time ago and Circ: No 366 of 23 Dec: 1871, pubd at page 320 of the Mysore Gazette of the 6 May 1872 was issued in modifn of the Circ: of 1863, with a view to future that proper enquiry shd be made in the case of every application under these rules, for the restoration of a tank in future.

7 The question is a most difficult one to deal with, from the peculiar circumstces connected with it, but I made think the course proposed by you, as agreed to by them, affords the best most practicable method of dealing with it.

Some care will have to be taken that no ground is given for the Govt being charged with a breach of the Grant in any case without good and sufft reason.

Yrs
5.4.72

To Dr Shortt

A

1872. 10

From

To The Survey & Settlement
Comm.r of Bengal.

Dated 6th April

Despatched — 8th

Received

Enclosures No.

General No. 104 } 1872/73
Revl No 9 }

Reply to No 319 d/12 March

Observations anent the terms on which tanks & wells &c may be repaired, and a reduction of assessment, be obtained therefor.

Addl. See letter from Commr Utkl appeal that the Survey Comm.r's Mem.: No 447 d/7 last with enclosures may be transferred to Revl D.P. 5
20/4/72

From Deputy [illegible] 28/6/72